

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

SEP 12 2012

STEPHEN JOSEPH BOLLENBACH,)
)
Plaintiff,)
)
vs.)
)
STATE OF OKLAHOMA et al.,)
)
Defendants.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY DEPUTY

No. CIV-11-857-W

ORDER

On August 21, 2012, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Motion to Dismiss Plaintiff's Complaint filed by defendant Brian Slabotsky (identified in the complaint as "Brian Slabosky"), in his individual and official capacities, be denied as moot. Although plaintiff Stephen Joseph Bollenbach and Slabotsky were advised of their right to object to the Report and Recommendation, see Doc. 60 at 2, no objections have been filed within the allotted time.


Upon review of the record and in light of the Motion for Summary Judgment [Doc. 52] filed by Slabotsky on April 16, 2012, the Court concurs with Magistrate Judge Erwin's suggested disposition of Slabotsky's Motion to Dismiss Plaintiff's Complaint.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 60] filed on August 21, 2012;
- (2) DENIES as moot the Motion to Dismiss Plaintiff's Complaint [Doc. 32] filed by Slabotsky on November 23, 2011; and
- (3) because the Report and Recommendation did not dispose of all issues raised

by Bollenbach in his complaint, RE-REFERS this matter to Magistrate Judge Erwin for further proceedings.

ENTERED this 12th day of September, 2012.



LEE R. WEST
UNITED STATES DISTRICT JUDGE